

UNITED STATES OF AMERICA, )  
 )  
 Vs. ) **ORDER**  
 )  
 MARK DUNAJSKI. )  
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**Findings.** On February 3, 2017 a bill of information (#1) was issued charging the Defendant with intentionally and knowingly importing into the United States from the country of China, a mixture and substance containing a detectable amount of Furanyl fentanyl, a schedule I controlled substance, in violation of 21 U.S.C. § 952 and 960. On February 15, 2017 the undersigned held an inquiry,

pursuant to Rule 11 of the Federal Rules of Criminal Procedure, and accepted a plea of guilty of the Defendant to that charge. At the end of the Rule 11 proceeding, this Court presented the issue of whether or not Defendant should now be detained, pursuant to 18 U.S.C. § 3143(a)(2).

**Discussion.** 18 U.S.C. § 3143(a)(2) provides as follows:

(2) The judicial officer shall order that a person who has been found guilty of an offense in a case described in subparagraph (A), (B), or (C) of subsection (f)(1) of section 3142 and is awaiting imposition or execution of sentence be detained unless ----

(A)(i) the judicial officer finds there is a substantial likelihood that a motion for acquittal or new trial will be granted; or

(ii) an attorney for the Government has recommended that no sentence of imprisonment be imposed on the person; or

(B) the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community.

From an examination of the records in this cause, it appears Defendant has entered a plea of guilty to intentionally and knowingly importing into the United States a schedule I controlled substance in violation of 21 U.S.C. § 952 and 960. That crime is one of the crimes that is referenced under 18 U.S.C. § 3142(f)(1)(C). The undersigned made an inquiry of Assistant United States Attorney Daniel Bradley as to whether or not there will be a recommendation that no sentence of imprisonment be imposed upon Defendant. Mr. Bradley advised the Court that such

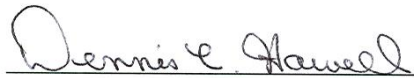
a recommendation could not be made in this matter.

Due to the plea of guilty, the undersigned cannot find there is a likelihood that a motion for acquittal or new trial will be granted. It would thus appear, and the Court is of the opinion that the Court is required to apply the factors as set forth under 18 U.S.C. § 3143(a)(2) which mandate the detention of Defendant.

**ORDER**

**IT IS, THEREFORE, ORDERED**, that the Defendant be detained pending further proceedings in this matter.

Signed: February 15, 2017

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Dennis L. Howell  
United States Magistrate Judge

